

### **REMARKS/ARGUMENTS**

In the Office Action mailed July 10, 2008 (hereinafter, "Office Action"), claims 1, 3-8, 10, 14, 16-20, 22-26 and 28 were rejected under 35 U.S.C. § 102(b). Claims 9, 11-13, 15, 27 and 30-44 were rejected under 35 U.S.C. § 103(a). Claims 1, 20, 31-33 and 35-44 have been amended. Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

#### **I. Claims 1, 3-8, 10, 14, 16-20, 22-26 and 28 Rejected Under 35 U.S.C. § 102(b)**

Claims 1, 3-8, 10, 14, 16-20, 22-26 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0120925 to Logan (hereinafter, "Logan"). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Amended claim 1 recites:

In a client computing system, a method for providing playlist functionality, comprising:

receiving a video from a server, wherein the video is sent in response to a request by the client, wherein the video is a digital stream sent over a computer network;

displaying the video on a display device, wherein the video is displayed as it arrives from the server;

receiving a user designation of a video segment from the video, wherein the video segment is not pre-selected at a remote location, but instead is designated by the user of the client computing system while the video is being played on the display device; and

adding the user-selected video segment to a playlist.

The amendments made to claim 1 are supported by at least paragraphs [58] and [59] of Applicant's specification.

Logan relates to "[a] system for utilizing metadata ... to enhance user's enjoyment of available broadcast programming content." Logan describes "automatically and manually identifying and designating programming segments, associating descriptive metadata [with] the identified segments, ... and using the supplied metadata to selectively record and playback desired programming." (Logan, abstract.)

Logan does not disclose "a client computing system ... receiving a user designation of a video segment from the video," as recited in amended claim 1.

Logan describes both a remote editing station and a client receiver. However, the program segments are pre-selected at the remote editing station. The user of the client receiver is not allowed to designate video segments that have not been pre-selected at the remote editing station. Logan states that a "remote editing station ... identifies individual segments of broadcast programming." The remote editing station then "sends metadata ... identifying and describing those segments to a ... client receiver. ... At the client receiver, the metadata is used to identify particular program segments that may then be manipulated..." (Logan, paragraphs [0005]-[0007].) Logan also states: "The metadata, which describes individual program segments, may be combined to form an ordered playlist." (Logan, paragraph [0262].)

Because the program segments in Logan are pre-selected at the remote editing station, the user is not free to add any desired program segment to the playlist. Rather, the user is constrained by the program segments that have been pre-selected at the remote editing station. If the user would like to add a particular program segment to the playlist but that program segment was not pre-

selected at the remote editing station, then the user is not able to add the program segment to the playlist.

In contrast to Logan, amended claim 1 recites that “the video segment is not pre-selected at a remote location, but instead is designated by the user of the client computing system while the video is being played on the display device.” Because the program segments in Logan are pre-selected at the remote editing station, Logan clearly does not disclose the subject matter of amended claim 1.

For at least the foregoing reasons, Applicant respectfully submits that amended claim 1 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 3-8, 10, 14, and 16-19 depend from claim 1. Claim 20 has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claims 22-26 and 28 depend from claim 20. Accordingly, Applicant respectfully requests that the rejection of claims 3-8, 10, 14, 16-20, 22-26 and 28 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

Applicant also presents the following additional reasons why claims 10 and 16 are allowable.

Claim 10 depends from claim 1. As indicated above, claim 1 is directed to a method that is implemented by “a client computing system.” Claim 10 recites:

The method of claim 1, wherein receiving the user designation of the video segment comprises:

receiving a first user indication of a beginning portion of the video segment, wherein the first user indication is received when the beginning portion is played on the display device; and

receiving a second user indication of an ending portion of the video segment, wherein the second user indication is received when the ending portion is played on the display device.

Logan does not disclose “a client computing system ... receiving a first user indication of a beginning portion of the video segment ... when the beginning portion is played on the display device,” as recited in amended claim 10. Nor does Logan disclose “a client computing system ... receiving a second user indication of an ending portion of the video segment ... when the ending portion is played on the display device,” as recited in amended claim 10.

The Office Action asserts that the claimed subject matter at issue is disclosed by paragraph [0065] of Logan. (Office Action, page 8.) Applicant respectfully disagrees. Paragraph [0065] of Logan states: “[T]he human editor should be provided with the ability to independently select different beginning and end points for the video and audio segments.” However, this part of Logan is referring to what occurs at the remote editing station. (Please refer to the section heading at paragraph [0062], which refers to element 105. In Logan, element 105 is described as a “remote location,” i.e., a location remote from the client device.) In contrast, amended claim 10 is directed to what occurs at the “client computing system.” Thus, paragraph [0065] does not disclose the subject matter of claim 10.

The Office Action also refers to paragraphs [0173] and [0206] of Logan. (Office Action, page 8.) Both of these paragraphs relate to a bookmarking mechanism. However, in Logan there is a difference between video segments and bookmarks. For example, Logan indicates that one objective of the bookmarking mechanism is to “[a]utomatically categorize the segments.” (Logan, paragraph [0143].) Thus, Logan clearly makes a distinction between the two. Also, although Logan states that the bookmarking system can operate on the client side, Logan does not ever indicate that video segments themselves can be selected on the client side. In view of this, the paragraphs cited by the Office Action – both of which are related to bookmarks – should not be interpreted as applying to video segments.

However, even if the cited portions of Logan were interpreted as applying to video segments (which they should not be), Logan still would not disclose the subject matter of claim 10. Claim 10 recites both “receiving a first user indication of a beginning portion of the video segment” and “receiving a second user indication of an ending portion of the video segment.” Thus, two “user indication[s]” are received in amended claim 10. In contrast, Logan states that “users ... create their own bookmarks by clicking a button as they watched the programming.” (Logan, paragraph [0173]; emphasis added.) In other words, in Logan, the user does not provide two “user indication[s]” for bookmarks.

Logan also refers to “categoriz[ing] and label[ing] the segment if both beginning and end points were denoted.” (Logan, paragraph [0173].) While the meaning of this portion of Logan is not entirely clear, it likely refers to having the software automatically include the beginning and ending points of the video segment in the metadata that is generated for the bookmark of the video segment. It would not make sense for the user to have to once again indicate the beginning and ending points of the video segment, since this would have already been done at the remote editing station.

Logan also refers to a scissors tool that “could be used to clip off unwanted content,” presumably in a video segment. (Logan, paragraph [0206].) Even if this were interpreted as “receiving a first user indication of a beginning portion of the video segment,” it does not disclose that such an indication is received “when the beginning portion is played on the display device,” as recited in claim 10. Nor does the scissors tool disclose that a “second user indication of an ending portion of the video segment” is received “when the ending portion is played on the display device,” as recited in claim 10.

For at least the foregoing reasons, Applicant respectfully submits that claim 10 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 10 be withdrawn.

Claim 16 states that “playing the video segment comprises retrieving at least a portion of the video segment in parallel with playing a previous video segment in the playlist.” For example, please refer to Figure 9 of Applicant’s specification, which shows segment S<sub>1</sub> being played 902a in parallel with some or all of segment S<sub>2</sub> being retrieved 902b. Logan does not disclose the subject matter of claim 16.

The Office Action asserts that the claimed subject matter at issue is disclosed by paragraph [0264] of Logan. (Office Action, pages 5 and 9.) Applicant respectfully disagrees. This part of Logan refers to “different program streams displayed concurrently in a split screen or in a picture-in-picture (PIP) display.” (Logan, paragraph [0264].) However, this part of Logan does not have anything to do with a “playlist.” The word “playlist” does not appear anywhere in paragraph [0264] of Logan. This part of Logan certainly does not disclose “retrieving at least a portion of [one] video

segment” in a playlist “in parallel with playing [another] video segment in the playlist,” as recited in claim 16.

The Office Action also asserts that the claimed subject matter at issue is disclosed by paragraph [0049] of Logan. (Office Action, pages 5 and 9.) Applicant respectfully disagrees. This part of Logan states: “[T]he incoming broadcast programming may be concurrently viewed or otherwise processed while it is being recorded in a circular buffer for possible future use.” However, once again, this part of Logan does not have anything to do with a “playlist.” The word “playlist” does not appear anywhere in paragraph [0049] of Logan. This part of Logan certainly does not disclose “retrieving at least a portion of [one] video segment” in a playlist “in parallel with playing [another] video segment in the playlist,” as recited in claim 16.

The Office Action also asserts that the claimed subject matter at issue is disclosed by paragraph [0260] of Logan. (Office Action, page 5.) Applicant respectfully disagrees. Paragraph [0260] of Logan states: “Note that program guides may display listing of ... ‘content on demand’ programming which exists as retrievable resources on program servers and on storage maintained by other users and shared on a peer-to-peer basis with other users. Metadata describing all such programming content may be located using an electronic program guide format which permits the ... selection of particular program content for viewing and recording.” However, once again, this part of Logan does not have anything to do with a “playlist.” The word “playlist” does not appear anywhere in paragraph [0260] of Logan. This part of Logan certainly does not disclose “retrieving at least a portion of [one] video segment” in a playlist “in parallel with playing [another] video segment in the playlist,” as recited in claim 16.

The Office Action also asserts that the claimed subject matter at issue is disclosed by paragraph [0275] of Logan. (Office Action, page 5.) Applicant respectfully disagrees. Applicant acknowledges that this part of Logan does refer to playlists. In particular, paragraph [0275] of Logan states: “Playlists, program guide data, and compilations from other sources may be aggregated and presented to the user.” However, this part of Logan does not have anything to do with the way that the video segments in a playlist are retrieved. This part of Logan certainly does not disclose

“retrieving at least a portion of [one] video segment” in a playlist “in parallel with playing [another] video segment in the playlist,” as recited in claim 16.

For at least the foregoing reasons, Applicant respectfully submits that claim 16 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 16 be withdrawn.

## **II. Claims 9, 27, 31-40, 42 and 44 Rejected Under 35 U.S.C. § 103(a)**

Claims 9, 27, 31-40, 42 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan in view of U.S. Patent Application Publication No. 2002/0069218 to Sull et al. (hereinafter, “Sull”), and in further view of “SMIL 2.0, XML for Web Multimedia” to Rutledge (hereinafter, “Rutledge”). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

The standard to establish a *prima facie* case of obviousness is provided above.

Claim 9 depends from claim 1. Claim 27 depends from claim 20, which has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claim 31 has also been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claims 32-33, 35-40, 42 and 44 depend from claim 31. Accordingly, Applicant respectfully requests that the rejection of claims 9, 27, 31-33, 35-40, 42 and 44 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

Claim 34 has been canceled.

## **III. Claims 11-13, 29, 30 and 41 Rejected Under 35 U.S.C. § 103(a)**

Claims 11-13, 29, 30 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan in view of Sull. Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

The standard to establish a *prima facie* case of obviousness is provided above.

Claims 11-13 depend from claim 1. Claims 29 and 30 depend from claim 20, which has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Claim 41 depends from claim 31, which has also been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 11-13, 29, 30 and 41 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

**IV. Claims 15 and 43 Rejected Under 35 U.S.C. § 103(a)**

Claims 15 and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan in view of “A Multimedia Semantic Model for RTSP-Based Multimedia Presentation Systems” to Shu-Ching (hereinafter, “Shu-Ching”). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

The standard to establish a *prima facie* case of obviousness is provided above.

Claim 15 depends from claim 1. Claim 43 depends from claim 31, which has been amended to include subject matter that is similar to the subject matter that was discussed above in relation to claim 1. Accordingly, Applicant respectfully requests that the rejection of claims 15 and 43 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

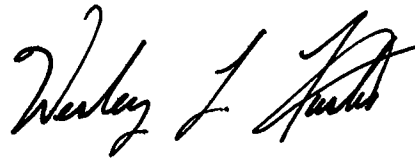


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**V. Conclusion**

Applicant respectfully asserts that all pending claims are allowable over the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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Wesley L. Austin  
Reg. No. 42,273  
Attorney for Applicant

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MADSON & AUSTIN  
15 West South Temple, Suite 900  
Salt Lake City, Utah 84101  
Telephone: (801) 537-1700